

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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AARON LEWIS MORROW, an individual,

Case No. 3:22-cv-00155-LRH-CSD

Plaintiff,

ORDER

v.

UNITED AIRLINES, INC., a foreign  
corporation; DOE EMPLOYEE, an individual;  
DOE MANAGER, an individual; DOES I-XX,  
inclusive; and ROE CORPORATIONS I-XX,  
inclusive,

Defendants.

Plaintiff Aaron Lewis Morrow initiated this action in the Second Judicial District Court for Washoe County, Nevada on March 8, 2022. Defendants filed a notice of removal (ECF No. 1) on April 4, 2022, asserting diversity jurisdiction. After review of the complaint and Defendants' notice of removal, the Court finds that it requires more evidence to determine whether it has subject matter jurisdiction over this case.

Subject matter jurisdiction based on diversity of citizenship exists when the parties are citizens of different states and the amount in controversy exceeds \$75,000 exclusive of interest and costs. 28 U.S.C. § 1332(a). To determine if the amount in controversy requirement is met, the Court first considers whether it is facially apparent from the plaintiff's state court complaint that the amount in controversy exceeds \$75,000 exclusive of interest and costs. *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 377 (9th Cir. 1997). If it is not facially apparent from the complaint, the defendant must prove by the preponderance of the evidence that the amount in controversy requirement is satisfied. *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996). The evidence presented must indicate that the amount of damages plaintiff seeks will,

1 more likely than not, satisfy the amount in controversy requirement. *See McCaa v. Mass. Mut. Life*  
2 *Ins. Co.*, 330 F. Supp. 2d 1143, 1149 (D. Nev. 2004).

3        Though it appears that the parties are of diverse citizenship,<sup>1</sup> it is not facially apparent from  
4 the complaint, nor have Defendants demonstrated, that the amount in controversy exceeds \$75,000  
5 exclusive of interest and costs.

6        Morrow's state court complaint alleges negligence/respondeat superior and negligent  
7 hiring, training, retention, and supervision. His prayer for relief demands (1) "General and  
8 compensatory damages in an amount in excess of Fifteen Thousand Dollars (\$15,000);" (2)  
9 "Special damages in excess of Fifteen Thousand Dollars (\$15,000);" (3) "Damages for cost of  
10 medical care and treatment and costs incidental thereto;" (4) "For reasonable attorney fees, costs  
11 of suit and interest incurred herein; and" (5) "For such other relief as the Court deems just and  
12 proper." ECF No. 1-1 at 11. Although Morrow seeks damages for medical expenses in addition to  
13 general, compensatory, and special damages, the mere possibility of a damages award is not  
14 sufficient to prove that the amount in controversy requirement has been satisfied. A reasonable  
15 inference from the allegations in the complaint is that the amount in controversy is less than the  
16 jurisdictional threshold. Accordingly, the Court finds that it is not facially apparent from the  
17 complaint that the amount in controversy exceeds \$75,000 exclusive of interest and costs.

18        The Court also finds that Defendants have not proven by a preponderance of the evidence  
19 that the amount in controversy requirement is satisfied. Defendants rely solely on the allegations  
20 in Morrow's complaint to prove that Morrow seeks damages that exceed \$75,000. However, as  
21 the Court found above, the allegations in Morrow's complaint do not make it apparent that the  
22 amount in controversy requirement is satisfied. Without additional evidence, the Court cannot find  
23 that it has jurisdiction over this case.

24        The Court will provide Defendants additional time to present "summary-judgment-type  
25 evidence" to prove that the amount of damages Morrow seeks will, more likely than not, exceed  
26 \$75,000 exclusive of interest and costs.

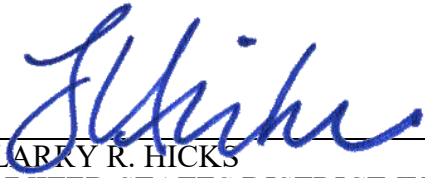
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28 <sup>1</sup> Defendants allege that Morrow is a citizen of Nevada and that United Airlines is a Delaware corporation with its principal place of business in Illinois.

1 IT IS THEREFORE ORDERED that Defendant is granted twenty (20) days from entry of  
2 this Order to establish the minimum amount in controversy for federal jurisdiction. Plaintiff is  
3 granted ten (10) days to file an opposition. No reply is required.

4 IT IS SO ORDERED.

5 DATED this 11th day of April, 2022.

  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE